

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, but at rates not to exceed the rate specified at the time of such service for grade GS-18 under section 5332 of such title;

(3) prescribe such regulations as it considers necessary governing the manner in which its functions shall be carried out;

(4) solicit and receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Center, and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this chapter, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 5 of title 41;

(7) make expenditures for official reception and representation expenses as well as expenditures for meals, entertainment and refreshments in connection with official training sessions or other authorized programs or activities;

(8) apply for, receive and use for the purposes of the Center grants or other assistance from Federal sources;

(9) establish, receive and use for the purposes of the Center fees or other charges for goods or services provided in fulfilling the Center's purposes to persons not enumerated in section 1104(b) of this title;

(10) invest, as specified in section 1105(b) of this title, moneys authorized to be received under this section; and

(11) make other necessary expenditures.

(b) Annual report

The Center shall submit to Congress an annual report of its operations under this chapter.

(Pub. L. 100-458, title I, §119, Oct. 1, 1988, 102 Stat. 2176; Pub. L. 101-163, title III, §320, Nov. 21, 1989, 103 Stat. 1068; Pub. L. 101-520, title III, §313(c), Nov. 5, 1990, 104 Stat. 2282.)

AMENDMENTS

1990—Subsec. (a)(6) to (11). Pub. L. 101-520 struck out “and” at end of par. (6), added pars. (7) to (11), and struck out former par. (7) which read as follows: “To make other necessary expenditures including official reception and representation expenses.”

1989—Subsec. (a)(7). Pub. L. 101-163 substituted “To make other necessary expenditures including official reception and representation expenses” for “make other necessary expenditures”.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organi-

zation and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1105, 1106 of this title.

§ 1109. Authorization for appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this chapter.

(Pub. L. 100-458, title I, §120, Oct. 1, 1988, 102 Stat. 2176.)

§ 1110. Appropriations

There is appropriated to the fund the sum of \$7,500,000 to carry out this chapter.

(Pub. L. 100-458, title I, §121, Oct. 1, 1988, 102 Stat. 2176.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1105 of this title.

CHAPTER 23—GOVERNMENT EMPLOYEE RIGHTS

Sec.

1201. Short title; purpose; definition.

- (a) Short title.
- (b) Purpose.
- (c) “Violation” defined.

1202. Discriminatory practices prohibited.

- (a) Practices.
- (b) Remedies.

1203 to 1219. Repealed.

1220. Coverage of previously exempt State employees.

- (a) Application.
- (b) Enforcement by administrative action.
- (c) Judicial review.
- (d) Standard of review.
- (e) Attorney's fees.

1221 to 1224. Repealed.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1435 of this title.

§ 1201. Short title; purpose; definition

(a) Short title

This chapter may be cited as the “Government Employee Rights Act of 1991”.

(b) Purpose

The purpose of this chapter is to provide procedures to protect the rights of certain government¹ employees, with respect to their public employment, to be free of discrimination on the basis of race, color, religion, sex, national origin, age, or disability.

(c) “Violation” defined

For purposes of this chapter, the term “violation” means a practice that violates section 1202(a) of this title.

(Pub. L. 102-166, title III, §301, Nov. 21, 1991, 105 Stat. 1088; Pub. L. 103-283, title III, §312(f)(1), July 22, 1994, 108 Stat. 1446; Pub. L. 104-1, title V, §504(a)(1), Jan. 23, 1995, 109 Stat. 40.)

¹ So in original. Probably should be capitalized.

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title III of Pub. L. 102-166, Nov. 21, 1991, 105 Stat. 1088, which is classified generally to this chapter. For complete classification of title III to the Code, see Tables.

AMENDMENTS

1995—Pub. L. 104-1 amended section generally, substituting “rights of certain government employees” for “right of Senate and other government employees” in subsec. (b) and striking out definitions of “Senate employee” and “head of employing office” in subsec. (c).

1994—Subsec. (c)(1)(B) to (D). Pub. L. 103-283, which directed the amendment of subsec. (c) by striking out subpar. (B), redesignating subpars. (C) and (D) as (B) and (C), respectively, and striking out “or (B)” after “described in subparagraph (A)” in subpars. (B) and (C), was executed by making the amendment to subsec. (c)(1) to reflect the probable intent of Congress. Prior to amendment, subpar. (B) read as follows: “any employee of the Architect of the Capitol who is assigned to the Senate Restaurants or to the Superintendent of the Senate Office Buildings;”.

EFFECTIVE DATE

Chapter effective Nov. 21, 1991, except as otherwise provided, see section 402 of Pub. L. 102-166, set out as an Effective Date of 1991 Amendment note under section 1981 of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 607 of this title.

§ 1202. Discriminatory practices prohibited**(a) Practices**

All personnel actions affecting the Presidential appointees described in section 1219¹ of this title or the State employees described in section 1220 of this title shall be made free from any discrimination based on—

(1) race, color, religion, sex, or national origin, within the meaning of section 2000e-16 of title 42;

(2) age, within the meaning of section 633a of title 29; or

(3) disability, within the meaning of section 791 of title 29 and sections 12112 to 12114 of title 42.

(b) Remedies

The remedies referred to in sections 1219(a)(1)¹ and 1220(a) of this title—

(1) may include, in the case of a determination that a violation of subsection (a)(1) or (a)(3) of this section has occurred, such remedies as would be appropriate if awarded under sections 2000e-5(g), 2000e-5(k), and 2000e-16(d) of title 42, and such compensatory damages as would be appropriate if awarded under section 1981 or sections 1981a(a) and 1981a(b)(2) of title 42;

(2) may include, in the case of a determination that a violation of subsection (a)(2) of this section has occurred, such remedies as would be appropriate if awarded under section 633a(c) of title 29; and

(3) may not include punitive damages.

(Pub. L. 102-166, title III, §302, Nov. 21, 1991, 105 Stat. 1088; Pub. L. 104-1, title V, §504(a)(1), Jan. 23, 1995, 109 Stat. 40.)

¹ See References in Text note below.

REFERENCES IN TEXT

Section 1219 of this title, referred to in text, was repealed by Pub. L. 104-331, §5(a), Oct. 26, 1996, 110 Stat. 4072.

AMENDMENTS

1994—Pub. L. 104-1 amended section generally. Prior to amendment, text read as follows: “All personnel actions affecting employees of the Senate shall be made free from any discrimination based on—

“(1) race, color, religion, sex, or national origin, within the meaning of section 2000e-16 of title 42;

“(2) age, within the meaning of section 633a of title 29; or

“(3) handicap or disability, within the meaning of section 791 of title 29 and sections 12112 to 12114 of title 42.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1201, 1220 of this title.

§§ 1203 to 1218. Repealed. Pub. L. 104-1, title V, § 504(a)(2), (5), Jan. 23, 1995, 109 Stat. 41

Section 1203, Pub. L. 102-166, title III, §303, Nov. 21, 1991, 105 Stat. 1088, related to establishment of Office of Senate Fair Employment Practices.

Section 1204, Pub. L. 102-166, title III, §304, Nov. 21, 1991, 105 Stat. 1090, related to Senate procedure for consideration of alleged violations of employee rights.

Section 1205, Pub. L. 102-166, title III, §305, Nov. 21, 1991, 105 Stat. 1090; Pub. L. 103-283, title III, §312(f)(2), July 22, 1994, 108 Stat. 1446, related to counseling of Senate employees alleging violations of rights.

Section 1206, Pub. L. 102-166, title III, §306, Nov. 21, 1991, 105 Stat. 1091, related to mediation of disputes between Senate employees and employing offices.

Section 1207, Pub. L. 102-166, title III, §307, Nov. 21, 1991, 105 Stat. 1091, related to formal complaints by Senate employees and hearings.

Section 1207a, Pub. L. 103-50, ch. XII, §1205, July 2, 1993, 107 Stat. 269; Pub. L. 103-211, title II, §2001(a)-(c), Feb. 12, 1994, 108 Stat. 22, related to Settlements and Awards Reserve appropriation account.

Section 1208, Pub. L. 102-166, title III, §308, Nov. 21, 1991, 105 Stat. 1092, related to review by Select Committee on Ethics of decisions on violations of rights of Senate employees.

Section 1209, Pub. L. 102-166, title III, §309, Nov. 21, 1991, 105 Stat. 1093; Pub. L. 102-392, title III, §316(a), Oct. 6, 1992, 106 Stat. 1724; Pub. L. 103-50, ch. XII, §1204(a), July 2, 1993, 107 Stat. 268, related to judicial review of decisions regarding violations of rights of Senate employees.

Section 1210, Pub. L. 102-166, title III, §310, Nov. 21, 1991, 105 Stat. 1094, related to resolution of complaints for violations of rights of Senate employees.

Section 1211, Pub. L. 102-166, title III, §311, Nov. 21, 1991, 105 Stat. 1094, related to costs of attending hearings on violations of Senate employee rights.

Section 1212, Pub. L. 102-166, title III, §312, Nov. 21, 1991, 105 Stat. 1094; Pub. L. 103-283, title III, §312(f)(3), July 22, 1994, 108 Stat. 1446, prohibited intimidation or reprisal against Senate employees for exercising rights under this chapter.

Section 1213, Pub. L. 102-166, title III, §313, Nov. 21, 1991, 105 Stat. 1095, related to confidentiality of proceedings under this chapter.

Section 1214, Pub. L. 102-166, title III, §314, Nov. 21, 1991, 105 Stat. 1095, provided that this chapter was enacted as an exercise of rulemaking power of Senate.

Section 1215, Pub. L. 102-166, title III, §316, Nov. 21, 1991, 105 Stat. 1095, related to consideration of political affiliation and place of residence in Senate employment decisions.

Section 1216, Pub. L. 102-166, title III, §317, Nov. 21, 1991, 105 Stat. 1096, related to exclusiveness of this chapter as remedy for discriminatory practices relative to Senate employment.

Section 1217, Pub. L. 102-166, title III, §318, Nov. 21, 1991, 105 Stat. 1096, expressed sense of Senate that legislation be enacted giving employees of other instrumentalities of Congress rights comparable to those granted in this chapter.

Section 1218, Pub. L. 102-166, title III, §319, Nov. 21, 1991, 105 Stat. 1096, reaffirmed Senate's commitment to Rule XLII of Standing Rules of the Senate, relating to employment discrimination on basis of race, color, religion, sex, national origin, age, or state of physical handicap.

SAVINGS PROVISION

Section 504(a)(2), (5) of Pub. L. 104-1 provided in part that sections 1203 to 1218 of this title are repealed, except as provided in section 1435 of this title.

§ 1219. Repealed. Pub. L. 104-331, §5(a), Oct. 26, 1996, 110 Stat. 4072

Section, Pub. L. 102-166, title III, §303, formerly §320, Nov. 21, 1991, 105 Stat. 1096; renumbered §303 and amended Pub. L. 104-1, title V, §504(a)(3), (4), Jan. 23, 1995, 109 Stat. 41, provided protection from discriminatory practices with respect to employment of Presidential appointees.

A prior section 303 of Pub. L. 102-166 was classified to section 1203 of this title prior to repeal by Pub. L. 104-1.

EFFECTIVE DATE OF REPEAL

Section 5(b) of Pub. L. 104-331 provided that: "This section [repealing this section and enacting provisions set out as a note below] shall take effect on October 1, 1997."

SAVINGS PROVISION

Section 5(c) of Pub. L. 104-331 provided that: "The repeal under this section [repealing this section] shall not affect proceedings under such section 303 in which a complaint was filed before the effective date of this section [Oct. 1, 1997], and orders shall be issued in such proceedings and appeals shall be taken therefrom as if this section had not been enacted."

§ 1220. Coverage of previously exempt State employees

(a) Application

The rights, protections, and remedies provided pursuant to section 1202 of this title shall apply with respect to employment of any individual chosen or appointed, by a person elected to public office in any State or political subdivision of any State by the qualified voters thereof—

- (1) to be a member of the elected official's personal staff;
- (2) to serve the elected official on the policy-making level; or
- (3) to serve the elected official as an immediate advisor with respect to the exercise of the constitutional or legal powers of the office.

(b) Enforcement by administrative action

(1) In general

Any individual referred to in subsection (a) of this section may file a complaint alleging a violation, not later than 180 days after the occurrence of the alleged violation, with the Equal Employment Opportunity Commission, which, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, shall determine whether a violation has occurred and shall set forth its determination in a final order. If the Equal Employment Opportunity Commission determines that a

violation has occurred, the final order shall also provide for appropriate relief.

(2) Referral to State and local authorities

(A) Application

Section 2000e-5(d) of title 42 shall apply with respect to any proceeding under this section.

(B) Definition

For purposes of the application described in subparagraph (A), the term "any charge filed by a member of the Commission alleging an unlawful employment practice" means a complaint filed under this section.

(c) Judicial review

Any party aggrieved by a final order under subsection (b) of this section may obtain a review of such order under chapter 158 of title 28. For the purpose of this review, the Equal Employment Opportunity Commission shall be an "agency" as that term is used in chapter 158 of title 28.

(d) Standard of review

To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final order under subsection (b) of this section if it is determined that the order was—

- (1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;
- (2) not made consistent with required procedures; or
- (3) unsupported by substantial evidence.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

(e) Attorney's fees

If the individual referred to in subsection (a) of this section is the prevailing party in a proceeding under this subsection, attorney's fees may be allowed by the court in accordance with the standards prescribed under section 2000e-5(k) of title 42.

(Pub. L. 102-166, title III, §304, formerly §321, Nov. 21, 1991, 105 Stat. 1097; renumbered §304 and amended Pub. L. 104-1, title V, §504(a)(3), (4), Jan. 23, 1995, 109 Stat. 41.)

PRIOR PROVISIONS

A prior section 304 of Pub. L. 102-166 was classified to section 1204 of this title prior to repeal by Pub. L. 104-1.

AMENDMENTS

1995—Subsec. (a). Pub. L. 104-1, §504(a)(4), struck out "and 1207(h) of this title" before "shall apply" in introductory provisions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1202 of this title.

§ 1221. Repealed. Pub. L. 104-1, title V, § 504(a)(2), Jan. 23, 1995, 109 Stat. 41

Section, Pub. L. 102-166, title III, §322, Nov. 21, 1991, 105 Stat. 1098, related to severability.

SAVINGS PROVISION

Section 504(a)(2) of Pub. L. 104-1 provided in part that section 1221 of this title is repealed, except as provided in section 1435 of this title.

§ 1222. Repealed. Pub. L. 102-392, title III, § 316(b), Oct. 6, 1992, 106 Stat. 1724

Section, Pub. L. 102-166, title III, § 323, Nov. 21, 1991, 105 Stat. 1098, required President or Member of Senate to reimburse appropriate Federal account for payment made on his or her behalf for violation of this chapter.

§§ 1223, 1224. Repealed. Pub. L. 104-1, title V, § 504(a)(2), Jan. 23, 1995, 109 Stat. 41

Section 1223, Pub. L. 102-166, title III, § 324, Nov. 21, 1991, 105 Stat. 1099, related to reports of Senate committees.

Section 1224, Pub. L. 102-166, title III, § 325, Nov. 21, 1991, 105 Stat. 1099, related to intervention and expedited reviews of certain appeals based on constitutionality of sections 1209 and 1219 of this title.

SAVINGS PROVISION

Section 504(a)(2) of Pub. L. 104-1 provided in part that sections 1223 and 1224 of this title are repealed, except as provided in section 1435 of this title.

**CHAPTER 24—CONGRESSIONAL
ACCOUNTABILITY**

SUBCHAPTER I—GENERAL

Sec.

1301. Definitions.

1302. Application of laws.

(a) Laws made applicable.

(b) Laws which may be made applicable.

**SUBCHAPTER II—EXTENSION OF RIGHTS AND
PROTECTIONS**

**PART A—EMPLOYMENT DISCRIMINATION, FAMILY AND
MEDICAL LEAVE, FAIR LABOR STANDARDS, EMPLOYEE
POLYGRAPH PROTECTION, WORKER ADJUSTMENT AND
RETRAINING, EMPLOYMENT AND REEMPLOYMENT OF
VETERANS, AND INTIMIDATION**

1311. Rights and protections under title VII of Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, Rehabilitation Act of 1973, and title I of Americans with Disabilities Act of 1990.

(a) Discriminatory practices prohibited.

(b) Remedy.

(c) Omitted.

(d) Effective date.

1312. Rights and protections under Family and Medical Leave Act of 1993.

(a) Family and medical leave rights and protections provided.

(b) Remedy.

(c) Omitted.

(d) Regulations.

(e) Effective date.

1313. Rights and protections under Fair Labor Standards Act of 1938.

(a) Fair labor standards.

(b) Remedy.

(c) Regulations to implement section.

(d) Omitted.

(e) Effective date.

1314. Rights and protections under Employee Polygraph Protection Act of 1988.

(a) Polygraph practices prohibited.

(b) Remedy.

(c) Regulations to implement section.

(d) Effective date.

1315. Rights and protections under Worker Adjustment and Retraining Notification Act.

Sec.

(a) Worker adjustment and retraining notification rights.

(b) Remedy.

(c) Regulations to implement section.

(d) Effective date.

1316. Rights and protections relating to veterans' employment and reemployment.

(a) Employment and reemployment rights of members of uniformed services.

(b) Remedy.

(c) Regulations to implement section.

(d) Effective date.

1316a. Legislative branch appointments.

1317. Prohibition of intimidation or reprisal.

(a) In general.

(b) Remedy.

**PART B—PUBLIC SERVICES AND ACCOMMODATIONS
UNDER AMERICANS WITH DISABILITIES ACT OF 1990**

1331. Rights and protections under Americans with Disabilities Act of 1990 relating to public services and accommodations; procedures for remedy of violations.

(a) Entities subject to this section.

(b) Discrimination in public services and accommodations.

(c) Remedy.

(d) Available procedures.

(e) Regulations to implement section.

(f) Periodic inspections; report to Congress; initial study.

(g) Omitted.

(h) Effective date.

**PART C—OCCUPATIONAL SAFETY AND HEALTH ACT OF
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1341. Rights and protections under Occupational Safety and Health Act of 1970; procedures for remedy of violations.

(a) Occupational safety and health protections.

(b) Remedy.

(c) Procedures.

(d) Regulations to implement section.

(e) Periodic inspections; report to Congress.

(f) Initial period for study and corrective action.

(g) Effective date.

PART D—LABOR-MANAGEMENT RELATIONS

1351. Application of chapter 71 of title 5 relating to Federal service labor-management relations; procedures for remedy of violations.

(a) Labor-management rights.

(b) Remedy.

(c) Authorities and procedures for implementation and enforcement.

(d) Regulations to implement section.

(e) Specific regulations regarding application to certain offices of Congress.

(f) Effective date.

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1361. Generally applicable remedies and limitations.

(a) Attorney's fees.

(b) Interest.

(c) Civil penalties and punitive damages.

(d) Exclusive procedure.

(e) Scope of remedy.

(f) Construction.

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1371. Study and recommendations regarding General Accounting Office, Government Printing Office, and Library of Congress.